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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/617,817	07/17/2000	Yousuf Saifullah	017.38719X00	8282

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EXAMINER

VU, THONG H

ART UNIT	PAPER NUMBER
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2142

DATE MAILED: 01/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/617,817

Applicant(s)

SAIFULLAH ET AL.

Examiner

Thong H Vu

Art Unit

2142

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-47 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-47 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 7/17/2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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1. Claims 1-47 are pending.

### ***Drawings***

2. The drawings Fig 5-6 are objected to because the portion 42 is unreadable. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Response to Arguments***

3. Applicant's arguments with respect to claims 1-47 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ludwig et al [Ludwig 6,697,352 B1] in view of Schuster et al [Schuster, 6,625,119 B1].

4. As per claim 1, Ludwig discloses a method for carrying call control information after a call handover from an Internet Protocol (IP) packet switched network to a circuit switched cellular network [Ludwig, Internet telephone, col 6 lines 46-65] comprising:

generating a first message containing call control information (i.e.: setting up the call, monitoring of the call, termination of the call, *specification, pp 8 lines 8-10*), the first message being of an IP-based protocol (by user equipment such as PDA, laptop computer, wireless telephone device, *specification, pp 7*) [Ludwig, control information, embedding, col 2 lines 10-32]

encapsulating the first message into a second message [Ludwig, embedded into packets of the layer +n, col 9 lines 36-46 or IP host using PCMCIA connected to mobile station, col 2 line 61-col 3 line 35];

transferring the second message to a network element, the network element being part of a circuit switched cellular network (PSTN); [Ludwig, modem connected to PSTN and gateway to Internet, col 3 lines 1-10];

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transferring the (third) message to a gateway [Ludwig, gateway, col 3 lines 1-9];  
extracting, at the gateway, the first message from the third message [Lugwig, extracted or decapsulation, col 2 lines 34-38];

sending the first message to a server or destination, the first message is carried through the circuit switched network transparently [Ludwig, a transparent circuit-switched GSM, col 4 lines 38-51].

However Ludwig does not teach encapsulating, at the network element, the second message into a third message;

In the same endeavor, Schuster discloses Internet telephony system included a gateway, PSTN, Internet using a modem or modem card which has a set of instructions defines a first encapsulating and second encapsulating process [Schuster, a first encoding process and second encoding process, col 11 lines 42-62]

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the modem with a first encapsulating and second encapsulating process as taught by Schuster into the Ludwig's apparatus in order to improve the Internet telephony system. Doing so would provide a quick, simple and efficiency process to handling traffic in an Internet telephony system.

5. Claims 13,25,33,44-47 contain the similar limitations set forth of method claim 1. Therefore, claims 13,25,33,44-47 are rejected for the similar rationale set forth in claim 1

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6. As per claims 2,14,27 Ludwig-Schuster disclose the IP-based protocol is one of a Session Initiation Protocol (SIP) and a H.323 protocol [Schuster, H.323 and SIP, col 1 lines 34-45].

7. As per claims 3,15,28 Ludwig-Schuster disclose the circuit switched cellular network is a Global System for Mobile Communications (GSM) network [Ludwig, GSM col 15 lines 25-44].

8. As per claims 4,16 Ludwig-Schuster disclose the second message comprises a User Information message (MSC receives the user information message, specification pp 9 line20) [Ludwig, MSC, col 3 lines 15-35].

9. As per claims 5,17 Ludwig-Schuster disclose the third message comprises a Map\_Process\_Access\_Sig message (i.e: mobile switching center sends Map\_Process\_Access\_Sig message to gateway, *specification page 9 line 19-page 10 line 4*) [Ludwig, MSC, col 3 lines 15-35].

10. As per claims 6,18,29 Ludwig-Schuster disclose the circuit switched cellular network is an IS-41 network as a design choice.

11. As per claims 7,19,30 Ludwig-Schuster disclose the circuit switched cellular network is an IS-136 network as a design choice.

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12. As per claim 8, Ludwig-Schuster disclose the generating and first encapsulating are performed at a user device as design choice of allocated proxy agent.

13. As per claims 9,21 Ludwig-Schuster disclose the user device comprises a mobile device [Ludwig, MSC, col 3 lines 15-35].

14. As per claims 10,22,26 Ludwig-Schuster disclose the user device comprises one of a mobile phone, a portable computer, and a Personal Digital Assistant (PDA) [Ludwig, IP host as a laptop computer, col 2 lines 61].

15. As per claims 11,20,23,31 Ludwig-Schuster disclose the IP packet switched network comprising an IP packet switched mobile network [Ludwig, MSC, col 3 lines 15-35].

16. As per claims 12,24,32 Ludwig-Schuster disclose the network element comprising a Mobile Switching Center (MSC) as inherent feature of IP-based network [Ludwig, MSC, col 3 lines 15-35].

17. As per claim 35, Ludwig-Schuster disclose a call processing server, the call processing server being part of the first packet switched network [Ludwig, packet switched, col 17 lines 5-30].

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18. As per claim 36, Ludwig-Schuster disclose a first packet switched gateway, the first packet switched gateway being part of the first packet switched network and operatively connected to the call processing server [Ludwig, gateway, col 3 lines 1-10; packet switched, server col 17 lines 5-30].

19. As per claim 37, Ludwig-Schuster disclose a serving node, the serving node being part of the second packet switched network and operatively connected to the radio access network and the first packet switched gateway, the serving node capable of carrying the packets between the at least one user device through the radio access network and the first packet switched gateway [Ludwig, gateway, col 3 lines 1-10; GPRS, col 7 lines 22-35; packet switched, server col 17 lines 5-30].

20. As per claim 38, Ludwig-Schuster disclose a second packet switched gateway operatively connected to the serving node and the call processing server, the second packet switched gateway capable of carrying the packets between the serving node and the call processing server [Ludwig, gateway, col 3 lines 1-10; packet switched, server col 17 lines 5-30].

21. As per claim 39, Ludwig-Schuster disclose the first packet switched gateway comprising a third generation (3G) IP gateway [Ludwig, gateway, col 3 lines 1-10].



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22. As per claims 40,41 Ludwig-Schuster disclose a serving GPRS support node [Ludwig GPRS, col 7 lines 22-35].

23. As per claim 42, Ludwig-Schuster disclose the second packet switched gateway comprises a second generation (2G) IP gateway [Ludwig, gateway, col 3 lines 1-10].

24. As per claim 43, Ludwig-Schuster disclose the second packet switched network comprises a General Packet Radio Service (GPRS) network [Ludwig, GPRS, col 7 lines 22-35].

25. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Thong Vu, whose telephone number is (571)-272-3904. The examiner can normally be reached on Monday-Thursday from 8:00AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, *Jack Harvey*, can be reached at (571) 272-3896. The fax number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval IPAIRI system. Status information for published applications may be obtained from either Private PMR or Public PMR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Thong Vu*  
**Patent Examiner**  
**Art Unit 2142**

